

IN THE CLAIMS

Please amend the claims as follows:

1. **(Amended)** [An XDSL] A digital subscriber line (XDSL) communication system, comprising:

[a plurality of twisted pair data lines;]

a plurality of subscriber systems [coupled to the plurality of twisted pair data lines, each subscriber system] each having an associated availability guarantee value;

a first pool of modems having a first number of XDSL modems;

a second pool of modems having a second number of XDSL modems; and

a communication server coupled to the plurality of subscriber systems, the first pool of modems, and the second pool of modems, wherein the communication server selectively couples a subscriber system [, in response to a request for service,] to an available modem in either the first pool of modems or the second pool of modems based upon the availability guarantee value associated with the subscriber system.

2. **(Amended)** The communication [server] system of Claim 1, wherein a first ratio of a number of the subscriber systems having an availability guarantee value specifying the first pool of modems to the first number of modems is smaller than a second ratio of a number of the subscriber systems having an availability guarantee value specifying the second pool of modems to the second number of modems.

3. **(Amended)** The communication [server] system of Claim 2, wherein the first ratio is equal to one.

Please cancel Claims 4-18 without prejudice or disclaimer and add the following new claims:

--19. The communication system of Claim 1, wherein the communication server is operable to modify the availability guarantee values associated with the subscriber systems.

20. The communication system of Claim 19, wherein the communication server is further operable to allocate the modems between the first pool of modems and the second pool of modems in response to the modified availability guarantee values.

21. The communication system of Claim 1, wherein the communication server is operable to modify the availability guarantee value associated with the subscriber system for a single subscriber session.

22. The communication system of Claim 1, wherein the communication server is operable to modify the availability guarantee value associated with the subscriber system for a predetermined time period.

23. The communication system of Claim 1, wherein the communication server is operable to modify the availability guarantee value associated with the subscriber system responsive to a request from the subscriber system.

24. The communication system of Claim 1, wherein the communication server selectively couples the subscriber system to the available modem in response to a request for service from the subscriber system.

25. A method for providing digital subscriber line (XDSL) services comprising:
determining an availability guarantee value assigned to a subscriber;
selecting one of a first modem pool and a second modem pool based on the availability
guarantee value, wherein the first modem pool comprises a first plurality of XDSL modems and
the second modem pool comprises a second plurality of XDSL modems; and
coupling the subscriber to a modem in the selected modem pool.

26. The method of Claim 25, further comprising receiving a request for XDSL service
from the subscriber.

27. The method of Claim 25, wherein a first ratio of a number of subscriber systems
having an availability guarantee value specifying the first pool of modems to the first number of
modems is smaller than a second ratio of a number subscriber systems having an availability
guarantee value specifying the second pool of modems to the second number of modems.

28. The method of Claim 27, wherein the first ratio is equal to one.

29. The method of Claim 25, further comprising modifying the availability guarantee
value associated with the subscriber system for a single subscriber session.

30. The method of Claim 25, further comprising modifying the availability guarantee
value associated with the subscriber system for a predetermined time period.

31. The method of Claim 25, further comprising modifying the availability guarantee
value associated with the subscriber system responsive to a request from the subscriber system.

32. A method for connecting to a digital subscriber line (XDSL) communication server comprising:

requesting XDSL service from an XDSL communication server having a first modem pool and a second modem pool;

receiving XDSL service from the communication server based upon an assigned availability guarantee value, wherein the assigned availability value specifies a selected one of the first modem pool and the second modem pool; and

requesting to modify the assigned availability guarantee value.

33. The method of Claim 32, wherein requesting to modify the assigned availability guarantee value comprises requesting to modify the assigned availability guarantee value for a single subscriber session.

34. The method of Claim 32, wherein requesting to modify the assigned availability guarantee value comprises requesting to modify the assigned availability guarantee value for a predetermined time period.

35. The method of Claim 32, wherein:

the first modem pool comprises a first number of modems; and

the second modem pool comprises a second number of modems.

36. The method of Claim 35, wherein a first ratio of a number of subscriber systems having an availability guarantee value specifying the first pool of modems to the first number of modems is smaller than a second ratio of a number subscriber systems having an availability guarantee value specifying the second pool of modems to the second number of modems.

37. The method of Claim 36, wherein the first ratio is equal to one.

38. The digital subscriber line (XDSL) communication server comprising:
a first pool of modems having a first number of XDSL modems;
a second pool of modems having a second number of XDSL modems; and
an interface coupled to the first pool of modems and the second pool of modems, wherein
the interface selectively couples a subscriber system to a modem in either the first pool of
modems or the second pool of modems based upon an availability guarantee value associated
with the subscriber system.

39. The communication server of Claim 38, wherein a first ratio of a number of
subscriber systems having an availability guarantee value specifying the first pool of modems
to the first number of modems is smaller than a second ratio of a number subscriber systems
having an availability guarantee value specifying the second pool of modems to the second
number of modems.

40. The communication server of Claim 39, wherein the first ratio is equal to one.

41. The communication server of Claim 38, operable to modify the availability
guarantee value associated with the subscriber system for a single subscriber session.

42. The communication server of Claim 38, operable to modify the availability
guarantee value associated with the subscriber system for a predetermined time period.

43. The communication server of Claim 38, operable to modify the availability
guarantee value associated with the subscriber system responsive to a request from the subscriber
system.

44. The communication server of Claim 38, wherein the interface selectively couples the subscriber system to the available modem in response to a request for service from the subscriber system.

45. A digital subscriber line (XDSL) communication server comprising:
means for determining an availability guarantee value assigned to a subscriber;
means for selecting one of a first modem pool and a second modem pool based on the availability guarantee value, wherein the first modem pool comprises a first plurality of XDSL modems and the second modem pool comprises a second plurality of XDSL modems; and
means for coupling the subscriber to a modem in the selected modem pool.

46. The communication server of Claim 45, further comprising means for receiving a request for XDSL service from the subscriber.

47. The communication server of Claim 45, wherein a first ratio of a number of subscriber systems having an availability guarantee value specifying the first pool of modems to the first number of modems is smaller than a second ratio of a number subscriber systems having an availability guarantee value specifying the second pool of modems to the second number of modems.

48. The communication server of Claim 47, wherein the first ratio is equal to one.

49. The communication server of Claim 45, further comprising means for modifying the availability guarantee value associated with the subscriber system for a single subscriber session.